IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION No.1048 of 2007

DATED: 04.06.2007

Between:

S.Maheshwar

..... Petitioner

And

The A.P.Genco, reptd., by its
Chairman & M.D., Vidyuth
Soudha, Hyderabad
and two others.

.....
Respondents

HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No.1048 of 2007

ORAL ORDER:

This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in rejecting the candidature of the petitioner to the post of Junior Plant Assistant by vide letter No.C/oM/KTPS-V/OP/ADM/WPNO.10004/05/D.No.1650/05, dated

22.11.2005, without disclosing the marks secured by him in the interview as illegal and arbitrary and consequently, direct the respondents to appoint him to the post of Junior Plant Assistant.

It is the case of the petitioner that he was engaged as Contract labourer in the second respondent-Organization in perennial nature of works, which were prohibited by the Government of Andhra Pradesh, as such, he claims to be a regular employee of the second respondent-Organization. The petitioner states that he worked through various contractors engaged in the construction of Units 9 and 10 in the 5th stage at KTPS. Consequent to the abolition of contract labour in 33 categories mentioned in G.O.Ms.No.41, dated 23.09.1996, the respondent-Organization has issued guidelines for absorption of the contract labour engaged against the said 33 abolished categories vide B.P.Ms.No.272, dated 31.12.1997 and also issued consequential proceedings vide B.P.Ms.No.326, dated 14.03.1998, for absorption of about 1178 employees working in KTPS. But, as per the said proceedings, the petitioner who worked in 5th stage in KTPS was not absorbed to the post of Junior Plant Assistant. Hence, earlier he filed Writ Petition No.1004 of 2005 and this

Court by its order, dated 28.04.2005, disposed of the said writ petition directing the respondents to pass appropriate orders on the representation of the petitioner in accordance with the Rules within a period of two months from the date of receipt of a copy of that order. The petitioner alleges that in spite of the said orders of this Court, the second respondent passed the impugned order, rejecting his case on the ground that he secured less marks than the candidate selected to the post of Junior Plant Assistant under B.C-'B' community. Questioning the same, the present writ petition is filed.

It is the contention of the earlier learned counsel appearing for the petitioner that the petitioner was, in fact, a meritorious candidate and the respondents without giving any reasons rejected his case for absorption to the post of Junior Plant Assistant. He also contended that in the counter-affidavit, though it is stated that the candidate selected under BC-B community secured 80.84% of marks, no other particulars were mentioned therein. Thereupon, this Court directed the respondents to produce the relevant records and on the same being produced, learned counsel for the petitioner perused the same and conceded that the petitioner has secured less number of marks than the candidate selected under BC-B community, but, however sought an adjournment.

Subsequently, another counsel entered into appearance on behalf of the petitioner, who reiterated the arguments, which were advanced by the earlier learned counsel.

Admittedly, the petitioner claims to come under BC-'B' community. On a perusal of the relevant records produced by the respondents, it is crystal clear that the petitioner secured only 62.23% of marks whereas the selected candidate under BC-'B' secured 80.84 % of marks. Therefore, the respondents have rightly appointed the candidate who secured the highest marks to the post of Junior Plant Assistant and no exception can be taken to the said action of the respondents.

Under the circumstances, the contention of the learned counsel for the petitioner that the impugned order is illegal and contrary to law is not sustainable. There are no merits in the writ petition.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

N.V.RAMANA, J

04.06.2007
dr